IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Rev. No.1054 of 2007 (O&M)
Date of Decision:- 10.10.2007

Devender ....Petitioner(s)

through
Mr.Manoj Kaushik, Advocate

vs.

State of Haryana & another ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.
Mr.Ashok Aggarwal, Advocate.
Mr.Shiv Kumar, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

This revision petition is directed against the order dated 5.6.2007 passed by the learned Sub Divisional Magistrate, Faridabad whereby the premises of the school and temples in dispute has been ordered to be handed over to the first party, namely, the respondent herein.

Prior thereto, the S.D.M., Faridabad had passed an order dated 26.10.2005 whereby in the proceedings under Section 146(1) Cr.P.C., he had appointed Naib Tehsildar, Faridabad as Receiver of the above-stated disputed properties.

It also appears from the record that aggrieved at the aforesaid impugned order, the petitioner had firstly filed a revision petition before the learned Sessions Judge at Faridabad, however, the same having not been heard on merits and there being an urgency in the matter, he has approached this Court by way of the present revision petition.

During the course of hearing, it has transpired that after this petition was entertained by this Court, the petitioner has withdrawn the criminal revision which he had earlier filed before the learned Additional Sessions Judge.

Since the revision petition against the order of the learned S.D.M. is very much maintainable before the learned Sessions Judge/Additional Sessions Judge, learned counsel for the parties agree that the petitioner may move an application for revival of the said revision petition and no objection shall be taken by the respondents against the same.

In view of the afore-mentioned agreed statement, it is directed that the petitioner may move an application before the learned Sessions Judge/Additional Sessions Judge for revival of the revision petition filed by him, within one week whereupon the learned revisional Court shall entertain the said application and dispose of the revision petition on merits and in accordance with law.

Till the revival and final disposal of the said revision petition on merits, keeping in view the fact that the dispute pertains to the Management of a school and, thus, larger public interest is involved, I am of the considered view that appointment of the Tehsildar as the Receiver is not a desirable step. Since the future of the students at large scale is involved and academic standards and discipline is required to be maintained and as agreed to by learned counsel for the parties also, the District Education Officer at Faridabad is ordered to be appointed as the Receiver henceforth who shall take over the charge from the Naib Tehsildar without any further delay.

As an abundant precaution, it is, however, clarified that with

the appointment of the District Education Officer as Receiver of the school, no right whatsoever shall accrue in favour of the teaching faculty or other employees of the School to claim their absorption in Government service. They shall continue to draw their salary through the means and sources and in the manner followed earlier.

This *ad-hoc* arrangement shall, however, continue till the disposal of the revision petition by the learned Sessions Judge/Additional Sessions Judge, Faridabad.

Disposed of.

Let a copy of this order, duly authenticated under the signatures of the Bench Secretary, be handed over to Mr.R.D.Sharma, learned DAG, Haryana, for information and necessary action.

October 10, 2007 **(SURYA KANT)**
poonam **JUDGE**